

Minutes

10-8-12

**TENNESSEE MOTOR VEHICLE COMMISSION
BOARD MEETING
October 8, 2012 10:30 A.M.
CONFERENCE ROOM 160
DAVY CROCKETT TOWER, 500 JAMES ROBERTSON PKWY.
NASHVILLE, TENNESSEE 37243**

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
EDDIE ROBERTS	X	
REED TRICKETT	X	
GEORGE BASS	X	
JOE CLAYTON	X	
KEVIN CULLUM		X
DONNIE HATCHER		X
NATE JACKSON	X	
JOHN MURREY	X	
DON PARR	X	
STAN MCNABB		X
FARRAR SCHAEFFER	X	
MARK PIRTLE	X	
RONNIE FOX	X	
WADE HINTON		X
LYNN WEBB	X	
BILLY KECK	X	

The Tennessee Motor Vehicle Commission Meeting was called to order by Chairman Eddie Roberts on October 8, 2012 Roll Call was taken with a total of (12) member's present.

A Motion was made by Commissioner Joe Clayton, and seconded by Commissioner Reed Trickett, to approve the minutes from the July 9, 2012 meeting.

MOTION PASSED UNANIMOUSLY

Adopt Agenda

Motion was made by Commissioner George Bass, and seconded by Commissioner Ronnie Fox.

APPEALS

The following appeals were heard by Commission.

Dustin Shaw-Kia of Kingsport, Elizabethton, TN
Staff denied application

Motion was made by Commissioner Lynn Webb, and seconded by Commissioner Don Parr to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
George Bass	Abstain
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Billy Keck	Yes
John Murrey	Yes

Motion passed to grant the license.

Ransom Griffey-East Tennessee Nissan, Morristown, TN
Staff denied application- NO SHOW

Motion was made by Commissioner Farrar Schaeffer, and seconded by Commissioner Reed Trickett to uphold the denial the license.

ROLL CALL VOTE

Motion passed to deny the license.

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Billy Keck	Yes
John Murrey	Yes

Rodney V. Jenkins-Volunteer Chevrolet, Sevierville, TN

Staff denied application

Motion was made by Commissioner Reed Trickett, and seconded by Commissioner Mark Pirtle to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Billy Keck	Yes
John Murrey	Yes

Motion passed to grant the license.

Shannon Webb-Dobbs Nissan, Memphis, TN

Staff denied application

Motion was made by Commissioner Mark Pirtle, and seconded by Commissioner Ronnie Fox to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer	Abstain
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Billy Keck	Yes
John Murrey	Yes

Motion passed to grant the license.

Joseph A. Spellings-J & B Motors LLC, Dyer, TN

Staff denied application

Motion was made by Commissioner Reed Trickett , and seconded by Commissioner Farrar Schaeffer, to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Billy Keck	Yes
John Murrey	Yes

Motion passed to grant the license.

Gregory Scott-Scotts Auto County Inc., Manchester, TN

Staff denied application

Motion was made by Commissioner Joe Clayton, and seconded by Commissioner John Murrey to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Billy Keck	Yes
John Murrey	Yes

Motion was to grant the license.

Jeremy Bingham-Auto Stars, LLC, Manchester, TN

Staff denied application

Motion was made by Commissioner Don Parr, and seconded by Commissioner Farrar Schaeffer to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer	Yes

Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Billy Keck	Yes
John Murrey	Yes

Motion was to grant the license.

Charles Hardy-Darrell Waltrip Honda, Franklin, TN
Staff denied application

Motion was made by Commissioner Joe Clayton, and seconded by Commissioner Nate Jackson to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Billy Keck	Yes
John Murrey	Yes

Motion was made to grant the license.

Michael Elgawly-Hallmark Hyundai, Hendersonville, TN
Staff denied application

Motion was made by Commissioner Nate Jackson, and seconded by Commissioner Mark Pirtle to grant the license.

ROLL CALL VOTE

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Billy Keck	Yes
John Murrey	Yes

Motion was made to grant the license.

Carlos Brittain-Freeland Superstore, Nashville, TN

Staff denied application

Motion was made by Commissioner Reed Trickett, and seconded by Commissioner Nate Jackson to grant the license.

ROLL CALL VOTE

Motion was made to deny the license.

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Farrar Schaeffer	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Lynn Webb	Yes
Billy Keck	Yes
John Murrey	Yes

Motion was made to grant the license.

DIRECTORS REPORT

Since the last Commission meeting in July, 2012 the following actions have been taken:

Dealers Opened, or Relocated90

Active Licensees as of October 1, 2012

Dealers.....	3865
Applications in Process.....	29
Distributions/Manufacturers	167
Auctions.....	31
Representatives.....	572
Salespeople.....	14626
Dismantlers.....	325
RV Dealers.....	24
RV Manufacturers.....	54

Motor Vehicle Show Permits Issued Since July 15, 2012, ...7

Revenue Received	\$ 1400.00
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Motion was made by Commissioner Joe Clayton, and seconded by Commissioner Nate Jackson to approve the Directors report.

Old Business

None

New Business

A motion was made by Commissioner Farrar Schaeffer, and seconded by Commissioner Reed Trickett to have Chairman Eddie Roberts form a Committee along with Legal Counsel to develop an updated administrative license denial policy regarding Felony convictions.

Calendar dates for 2013 meetings and Formal Hearings.

January 7,8 March 4 April 15, 16 July 15, 16 September 9 October 7,8

Legal Report before the Legal Review Committee

Attendance: Chairman-Nate Jackson, Farrar Schaeffer, Joe Clayton, Mark Pirtle.

RE-PRESENTATION OF CASES

1. Case No.: 2011007122, 2011007123, 2011007121

This case involved unlicensed activity by an individual along with an auto auction allowing an individual (the unlicensed mentioned) to buy motor vehicles for a TN dealer without being a licensed salesperson. Both the individual (with dealer) and auto auction were assessed civil penalties (\$2,500 individual/dealer and \$1,500 auto auction). The auto auction paid the full amount assessed. The dealer has gone out of business and surrendered license. The individual sent a check for \$500 almost a year ago and failed to sign a consent order.

A second motor vehicle dealer was also assessed a \$2,500, which is out of business and license is expired.

This is an attempt to finalize this case due to the inability to contact Respondent's out of business.

Recommendation:

2011007121 – Reduce civil penalty amount to \$500 on part of Respondent individual and dealer (out of business) and Close.

2011007123 – Close. Respondent is out of business. Cannot be found.

2011007122 – Close – Respondent is out of business. Cannot be found.

Commission Action:

2011007121 – Reduce civil penalty amount to \$500 on part of Respondent individual and dealer (out of business) and Close.

2011007123 – Close and Flag. Respondent is out of business. Cannot be found.

2011007122 – Close and Flag. Respondent is out of business. Cannot be found.

2. Case No.: 2012000251

The Commission previously authorized a civil penalty in the amount of \$5,000.00 for unlicensed activity as a motor vehicle dealer. The Respondent's Certified mail has been returned. The business is closed and cannot be found.

Recommendation: Close. Respondent is out of business and cannot be found.

Commission Action: Close and Flag. Respondent is out of business and cannot be found.

Motion made to adjourn was made Mark Pirtle, and seconded by Joe Clayton.

Eddie Roberts, Chairman

Leon Stribling, Executive Director